



03-21-06

RCE
3737
JFW

Express Mail Mailing Label No. EV 630985945 US

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

| | |
|----------------------|----------------|
| Application No. | 09/841,325 |
| Filing Date | April 24, 2001 |
| First Named Inventor | Modell |
| Group Art Unit | 3737 |
| Examiner Name | Smith, Ruth S. |
| Attorney Docket No. | MDS-009CN |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTES

RCE v. CPA: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

FEE AND SUBMISSION REQUIRED: A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

RCE APPLIES TO: An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

RCE DOES NOT APPLY TO: (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

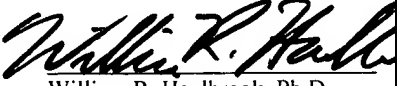
- a. ☐ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on (a copy is enclosed).
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- c. ☒ Amendment/Response enclosed.
- d. ☐ Affidavit(s)/Declaration(s) enclosed.
- e. ☒ Information Disclosure Statement (IDS) enclosed.
 - i. ☒ PTO-1449
 - ii. ☒ Copies of IDS Citations (B41-B42 and C115-C117)
- f. ☐ Other _____

2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☒ Small entity status
 - i. ☒ was established in the prior nonprovisional application.
 - ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☐ A Petition and Fee for Extension of Time for _ months up to and including _____ is enclosed herewith.
- c. ☒ A check in the amount of \$395.00 is enclosed.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$____, to Deposit Account No. 07-1700.
- e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 07-1700.

3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.
b. ☒ Other: Fee Transmittal; Form PTO/SB/80 Power of Attorney; Form PTO/SB/96 Statement Under 37 CFR 3.73(b); Supplemental Application Data Sheet.

| CORRESPONDENCE ADDRESS | SIGNATURE BLOCK |
|--|--|
| <p>Direct all correspondence to: Patent Administrator Goodwin Procter LLP Exchange Place Boston, MA 02109 Tel. No.: (617) 570-1000 Fax No.: (617) 523-1231 Customer No. 051414</p> | <p>Respectfully submitted,</p> <p> William R. Haulbrook, Ph.D. Attorney for Applicant(s) Goodwin Procter LLP Exchange Place Boston, MA 02109</p> <p>Date: March 20, 2006 Reg. No. 53,002 Tel. No.: (617) 570-1013 Fax No.: (617) 523-1231</p> |

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| Complete if Known | |
|---------------------------|----------------|
| Application Serial Number | 09/841,325 |
| Filing Date | April 24, 2001 |
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| Examiner Name | Smith, Ruth S. |
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PATENT TRANSMITTAL
FY 2005

MAR 20 2006

PATENT & TRADEMARK OFFICE

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other

2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 07-1700.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.

3. ☒ Applicant claims small entity status.

FEE CALCULATION

1. FILING/SEARCH/EXAM/SIZE FEES

| Large Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|--|----------|
| 300 | Utility filing fee | |
| 500 | Utility search fee | |
| 200 | Utility exam fee | |
| 250 | Utility size fee (each add'l 50 pgs. over 100) | |
| 200 | Design filing fee | |
| 100 | Design search fee | |
| 130 | Design exam fee | |
| 250 | Design size fee (each add'l 50 pgs. over 100) | |

| Number Filed | Number Extra | Rate | Amount |
|---|--------------|--------------|--------|
| Total Claims - 20 = | | x \$ 50.00 = | |
| Independent Claims - 3 = | | x \$200.00 = | |
| <input type="checkbox"/> Multiple Dependent Claim(s), if any \$360.00 = | | | |
| TOTAL: | | | |
| SMALL ENTITY DISCOUNT: | | | |
| SUBTOTAL (1) | | (\$) | 0.00 |

2. AMENDMENT CLAIM FEES

| Claims Remaining After Amend. | Highest No. Previously Paid For | Present Extra | Rate | Fee Paid |
|---|---------------------------------|---------------|--------------|----------|
| Total 37 | - 42 = | 0 | x \$ 50.00 = | |
| Indep. 2 | - 3 = | 0 | x \$200.00 = | |
| <input type="checkbox"/> First Presentation of Multiple Dep. Claim + \$360.00 = | | | | |
| TOTAL: | | | (\$) | |
| SMALL ENTITY DISCOUNT: | | | (\$) | |
| SUBTOTAL (2) | | (\$) | 0.00 | |

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Patent Administrator
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Boston, MA 02109
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Customer No. 051414

FEE CALCULATION (continued)

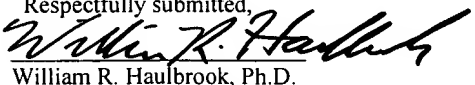
3. ADDITIONAL FEES

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 130 | 65 | Surcharge - late filing fee or oath | |
| 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 130 | 130 | Non-English specification | |
| 2,520 | 2,520 | Request for ex parte reexamination | |
| 120 | 60 | Extension for reply within first month | |
| 450 | 225 | Extension for reply within second month | |
| 1020 | 510 | Extension for reply within third month | |
| 1590 | 795 | Extension for reply within fourth month | |
| 2160 | 1080 | Extension for reply within fifth month | |
| 500 | 250 | Notice of Appeal | |
| 500 | 250 | Filing a brief in support of an appeal | |
| 1000 | 500 | Request for oral hearing | |
| 400 | 400 | Petitions to the Commissioner (Gp. I) | |
| 200 | 200 | Petitions to the Commissioner (Gp. II) | |
| 130 | 130 | Petitions to the Commissioner (Gp. III) | |
| 180 | 180 | Submission of Information Disclosure Statement | |
| 790 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 790 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 100 | 100 | Certificate of Correction for applicant's error | |
| 130 | 65 | Submission of Terminal Disclaimer | |
| Other fee (Specify) | | Request for Continued Examination (RCE) | 395.00 |
| Other fee (Specify) | | | |

SUBTOTAL (3) (\$) 395.00

| | |
|--------------------------|--------|
| SUBTOTAL (1) | 0.00 |
| SUBTOTAL (2) | 0.00 |
| SUBTOTAL (3) | 395.00 |
| TOTAL (\$) 395.00 | |

SIGNATURE BLOCK

Respectfully submitted,

William R. Haulbrook, Ph.D.
Attorney for the Applicants
Goodwin Procter LLP
Exchange Place
Boston, MA 02109

Date: March 20, 2006
Reg. No.: 53,002
Tel. No.: (617) 570-1013
Fax No.: (617) 523-1231